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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,906	11/27/2001	Jax B. Cowden	10005.000120	7660

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EXAMINER

DIVECHA, KAMAL B

ART UNIT	PAPER NUMBER
2151	

2151

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/993,906	Applicant(s) COWDEN ET AL.	
Examiner KAMAL B. DIVECHA	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 27 November 2001.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 27 November 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the step “demonstrating the efficacy of the computer program to a user” in claim 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-10 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant fails to teach or disclose how the steps of the method of claim 1 are performed in the disclosure. For example: the disclosure fails to teach how the step of detecting a need for the computer program would be performed, how a user would be informed of usefulness of the computer program and how the computer program would be offered to the user.

Claims 2-6 are rejected due to their dependency on claim 1.

Claims 7-10 are rejected for the same reasons as set forth in claim claims 1-6 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1, 4, 7 and 10 are rejected under 35 U.S.C. 103(a) as being obvious over Nakagawa et al. (U. S. Patent No. 5,835,911) in view of Jiang (U. S. Patent No. 6,564,375 B1).

As per claim 1, Nakagawa discloses: In a computer, a method of distributing a computer program (col. 5 L39-43) comprising: detecting a need for the computer program (col. 9 L47-67 to col. 10 L1-10; col. 11 L5-20); informing a user of usefulness of the computer program (col. 18 L39-65; col. 18 L24-31); and providing the computer program to the user (col. 6 L58-65; col. 11 L23-27), however, Nakagawa does not explicitly disclose the method of distributing a computer program comprising the step of offering the computer program to the user.

Jiang, discloses the method wherein ISP offers software program to a user when user signs up for an account (col. 1 L35-49). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Jaing as stated above with the method of Nakagawa in order to provide a step of offering the computer program or software to the user.

One of ordinary skilled in the art would have been motivated because it would have provided a software distribution system and method over a network so that users can quickly and properly obtain software from vendors or suppliers (Nakagwa, col. 1 L28-32). Also, it would have provided a system where vendors would have economically and efficiently distribute their

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software, which would have minimized the need for vendors to suffer the monetary and time costs associated with manufacturing a large number of copies of the software on conventional storage media, shipping of the software to retailers, etc. it would have also enabled users to purchase the computer program from the vendors.

As per claim 4, Nakagawa discloses the step wherein the act of providing the computer program to the user includes activating the computer program (col. 10 L39-50).

As per claim 7, Nakagawa in view of Jiang discloses: a method to be performed in a computer, the method comprising: detecting a need for the computer program (Nakagawa, col. 9 L47-67 to col. 10 L1-10; col. 11 L5-20); offering the computer program to the user (Jiang, col. 1 L35-49); and providing the computer program to the user (Nakagawa, col. 6 L58-65; col. 11 L23-27), however, Nakagawa in view of Jiang does not explicitly disclose the step of demonstrating the efficacy of the computer program to a user. But it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to demonstrate or provide a demo version of the software to a user. One of ordinary skilled in the art would have been motivated because it would have assured or showed the power or capacity to produce a desired effect of the computer program to a user and would have also showed a user the benefits and/or usefulness of the computer program, thus providing user satisfaction.

As per claim 10, it does not teach or further define over the limitations in claim 1, 4 and 7. Therefore, claim 10 is rejected for the same reasons as set forth in claims 1, 4 and 7.

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5. Claims 2, 3 and 9 are rejected under 35 U.S.C. 103(a) as being obvious over Nakagawa et al. (U. S. Patent No. 5,835,911) in view of Jiang (U. S. Patent No. 6,564,375 B1), and further in view of Shiratori et al. (U.S. Patent No. 5,758,111).

As per claim 2, Nakagawa in view of Jiang, does not disclose the method as in claim 1 wherein the act of detecting includes detecting the occurrence of a type of window (read as detecting occurrence of a window).

Shiratori discloses a method for detecting any window and detecting new windows in a data processing system (see abstract, col. 2 L31-40). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Shiratori as stated above with the method of Nakagawa in view of Jiang in order to detect the occurrence of the type of window.

One of ordinary skilled in the art would have been motivated because it would have enabled a system to keep a control on the occurrence of the new windows and filter undesired windows.

As per claim 3, Nakagawa in view of Jiang, does not disclose the method as in claim 1 wherein the act of informing a user of usefulness of the computer program includes informing the user a number of type of window detected by the computer program. Shiratori discloses the method wherein the first setting unit displays an identification list of windows, which are currently displayed (read as informing user of the number of windows detected, col. 2 L24-28). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify and combine Shiratori with Nakagawa in view of Jiang in order to inform the user a number of window detected. One of ordinary skilled in the art would have been

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motivated because it would have enabled the users to set the policies for filtering the undesired windows and/or information based on the information obtained from the detection.

As per claim 9, it does not teach or further define over the limitations in claims 2-3.

Therefore, claim 9 is rejected for the same reasons as set forth in claim 2-3.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being obvious over Nakagawa et al. (U. S. Patent No. 5,835,911) in view of Jiang (U. S. Patent No. 6,564,375 B1), and further in view of Teng et al. (U. S. Patent No. 6,094,679).

As per claim 5, Nakagawa in view of Jiang, do not explicitly disclose the method as in claim 1 wherein the act of providing the computer program to the user includes downloading components of the computer program from a remote computer.

Teng, from the same field of endeavor, explicitly discloses the method where the computer program or software files are downloaded from a remote location (col. 3 L21-24 and col. 5 L59-61; fig. 1 item #49). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Teng as stated above with the method of Nakagawa in view of Jiang in order to download the computer program components from a remote computer.

One of ordinary skilled in the art would have been motivated because it would have reduced software engineering effort and would have increased efficiency by avoiding the physical presence of the software engineer at the site and allowing a user to download the software from a remote computer.

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7. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being obvious over Nakagawa et al. (U. S. Patent No. 5,835,911) in view of Jiang (U. S. Patent No. 6,564,375 B1), and further in view of Meyers et al. (U. S. Pub. No. US 2002/0087403 A1).

As per claim 6, Nakagawa in view of Jiang, do not disclose the method as in claim 1 wherein the computer program includes a window-blocking computer program.

Meyers, from the same field of endeavor, discloses the filtering software (read as window blocking program) which can be used to scan the document for metadata and block a full page or other multimedia object containing certain metadata (pg. 1 and pg. 2 para. #0011, 0009-0010, #0044-0045). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Meyers as stated above with the method of Nakagawa in view of Jiang in order to provide a window-blocking computer program.

One of ordinary skilled in the art would have been motivated because it would have enabled a user to block certain types of information and/or advertisements or undesirable material and allow or permit other document or information to be displayed (Meyers, pg. 1 para. #0010).

As per claim 8, it does not teach or further define over the limitations in claim 6. Therefore, claim 8 is rejected for the same reasons as set forth in claim 6.

Additional References

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Davis et al. U. S. Patent No. 5,822,123.

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER